

Abstract – Compulsory vaccination

This diploma thesis deals with the legal regulation of compulsory vaccination in the Czech Republic. The subject of the thesis is a conflict between compulsory vaccination and fundamental rights and freedoms as a result of the protection of public health. An option to refuse the compulsory vaccination, regulation of following sanctions and the absence of compensatory scheme for vaccine injury issue are also analysed.

The first chapter introduces the compulsory vaccination issue. It presents terms related to the compulsory vaccination and current vaccination categories.

The second chapter describes the legal regulation of compulsory vaccination with its legal basis in international law. It is concerned with the function of international treaties in the Czech legal system. Moreover, it presents a criticism of compulsory vaccination with respect to its claimed unconstitutionality. This chapter also introduces a public debate concerning compulsory vaccination along with pro and con arguments.

The third chapter is, on the one hand concerned with the rejection of compulsory vaccination, and its following sanctions on the other hand. The case law of the Constitutional Court has been analysed with respect to both secular and religious conscientious objections. Moreover, the chapter introduces the legal regulation of sanctions with its division to direct and indirect sanctions. The chapter also highlights the amendment of the administrative penalty system to become effective on 1 July 2017.

The last chapter introduces the absence of a compensatory mechanism regarding harm inflicted as a result of compulsory vaccination. The chapter contains an analysis of the legal regulation in Great Britain with consideration of potential solution of compensation issues in the future.

This diploma thesis has been aimed at introducing compulsory vaccination issues with respect to its legal regulation, conflict with human rights and freedoms and sanctions related to its rejection. Moreover, the goal has been also to provide potential solutions of the absence of compensatory scheme for injuries caused by compulsory vaccination.